

REMARKS

Claim 11 was amended to incorporate the subject matter of claim 13, which has been canceled along with claim 12, without prejudice.

Claims 1 and 11 have been amended to specify that the honey extender is free of viscosifier and non-nutritional sweetener, by incorporating the subject matter of claim 10, which has been canceled, without prejudice.

Care has been taken not to introduce any new matter.

The Present Invention

The present invention is directed to a honey extender that, unexpectedly, can be used to make a honey comprising composition that has taste characteristics that are substantially the same as those of conventional honey. The honey comprising composition with the honey extender of this invention has elevated levels of oligosaccharides with a higher moisture content than honey, and does not display crystallization characteristics for at least about three years at ambient temperature, and has excellent flowability properties. Furthermore, the honey comprising composition with the honey extender of this invention has microbiological stability indistinguishable from that of conventional honey, even with the higher moisture content.

The honey extender, as claimed in Claim 1, comprises:

- a) at least about 7.0% by weight oligosaccharide;
- b) at least about 60.0% by weight corn syrup having a D.E. of at least about 36; and
- c) water

wherein weight percent is based on total weight of the honey extender; and the honey extender is free of viscosifier and non-nutritional sweetener. See Specification at page 3, lines 13-18.

In a second aspect, the present invention is directed to a honey composition that comprises the honey extender according to the first aspect of this invention. As claimed in Claim 11, a honey comprising composition includes:

- a) about 20.0% to about 30.0% by weight honey, based on total weight of the honey comprising composition; and
- b) honey extender comprising:
 - (i) at least about 7.0% by weight oligosaccharide, based on total weight of the honey extender;
 - (ii) at least about 60.0% by weight corn syrup having a D.E. of at least about 36, based on total weight of the honey extender; and
 - (iii) water; and

the honey extender is free of viscosifier and non-nutritional sweetener.

See Specification at page 4, lines 20-22; p. 5, lines 5-8 and 15-16.

The Present Invention is Not Obvious

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lanner, et al., (U.S. Pat. No. 6,352,732) in view of Wolf, et al., (U.S. Pat. No. 6,774,111), and Chau, et al., (U.S. Pat. No. 6,517,886). According to the Office Action, with regard to claim 1, Lanner, et al., disclose a coating composition for food products comprising at least 7% by weight oligosaccharide including sucrose, a form of oligosaccharide (col. 5, lines 38-41), at a range from 14% to about 24% (col. 10, lines 1-6), and corn syrup having a DE of at least from about 20 to about 65 at a range of about 11% to about 15% and water (col. 9, lines 31-45, lines 55-59); Lanner, et al., fails to disclose a corn syrup at about 60%; However, it is well known in the art to utilize corn syrup at a range from about 50 to 95% for the purpose of providing nutrition as evidenced by Wolf, et al. (col. 7, lines 4-16); It would be obvious to one of ordinary skill in the art to utilize this amount in order to provide nutrition and also function as a honey extender because it discloses similar components and weight percents as instantly claimed.

Further according to the Office Action, with regard to claim 2, Lanner, et al., disclose a coating composition for food products comprising at least 7% by weight oligosaccharide including sucrose, a form of oligosaccharide (col. 5, lines 38-41), at a range from 14% to about 24% (col. 10, lines 1-6); With regard to claims 4-5, Lanner, et al., disclose utilizing corn syrup having a DE of at least from about 20 to about 65 (col. 9, lines 55-59); With regard to claim 6, Lanner, et al., failed to disclose glucose or fructose at a range from 30% to 50%. ; However, Chau, et al., teach that it is well known to utilize these components at the recited ranges in a confectionery product comprising a saccharide-based component at a range from 16-75% including dextrose (glucose) and fructose (col. 10, lines 13-19). ; With regard to claims 7 and 8, Lanner, et al., failed to disclose maltose at less than 3.5% as a component.; However, it is not

seen how this amount is critical at this time and one of ordinary skill in the art would expect that the amount utilized would be an experimental result variable based on the other constituents that make up the composition.

Claims 11-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hammond (U.S. 2002/0187246) in view of Wolf, et al. (U.S. Pat. No. 6,774,111). According to the Office Action, with regard to claim 11, Hammond discloses a low sugar honey comprising natural honey (0011) and an extender including 35 to 50% oligosaccharide (0015) and water (0019); However, Hammond failed to disclose corn syrup.; Wolf, et al., teach that it is well known to utilize corn syrup having a DE of 20 or higher (col. 5, lines 47-48) in combination with oligosaccharides (col. 8, lines 56-67) at a range from about 50-95% for the purpose of providing nutrition as evidenced by Wolf, et al., (col. 7, lines 4-16).; It would be obvious to one of ordinary skill in the art to modify Hammond with the teachings of Wolf, et al., incorporating corn syrup in order to provide nutrition benefits.

Applicant respectfully traverses. None of the cited references describes a honey comprising composition comprising a honey extender wherein the honey comprising composition has the taste and microbiological stability of conventional honey, and does not crystallize for at least about three years at ambient temperature.

Lanner '732 is directed to coated pretzels and provides no suggestion for a honey extender. As admitted in the Office Action, Lanner, et al. are silent as to the presence of viscosifier and non-nutritional sweeteners in the composition. It would be obvious to one of ordinary skill in the art to expect that these components are not present as instantly claimed. While Lanner et al. disclose the presence of water at a range from amount 47% to 59%, they failed are directed to a different composition having different characteristics based on its different use.

With reference to claim 6, Chau, et al., are directed to a confectionery composition having an unsticky chew texture and capable of being handled without losing its integrity, and provides no suggestion for a honey extender, nor combination with Lanner and/or Wolf.

Hammond discloses a honey at a range from 35 to 50% by weight (0013), whereas the present claim as amended requires less honey, at about 20 to about 30%, yet provides a substantially the same taste as honey. Since Hammond requires a greater amount of honey, and the composition is not the same, and Hammond is silent regarding crystallization, one skilled in the art would expect that there would be crystallization, contrary to the present claim 14. Also, the claim has been amended to specify that the honey extender is free of viscosifier and non-nutritional sweetener. The present invention uses oligosaccharides and sweeteners that are fully metabolizable in preparing a honey extender that is indistinguishable from honey in taste, thickness and flow characteristics but contains more water and exhibits no sugar crystallization over an extended period of time. In contrast, Hammond teaches the use of non and/or slowly metabolizable oligosaccharids (e.g. polydextrose) in preparing a low calorie honey extender.

Wolf '111 is directed to a carbohydrate system and method for delivering nutrition to a diabetic, and provides no suggestion for a honey extender, nor for combination with Lanner nor with Hammond.

CONCLUSION

Reconsideration of the rejection is respectfully requested in view of the above claim amendments and remarks. It is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance, Applicant's undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

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